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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,501	05/10/2001	Michael Bleser	29488/36831A	6411

4743 7590 05/07/2003

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/852,501

Applicant(s)

BLESER ET AL.

Examiner

Thach H Bui

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

DETAILED ACTION

1. The preliminary amendment filed December 28, 2001 has been received and entered.

Information Disclosure Statement

2. Applicant's prior art citation filed August 06, 2001 has been received, considered and placed of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-9, and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (U.S. Patent No. 5,513,117).

As per claim, 1, Small disclose a method for selling a gift card at a location of a first retailer for use at the second retailer comprising a mean to display gift cards in the store location of the first retailer (see Figure 1), and a mean to activate the gift card upon receipt of a purchase amount from a customer (see Figure 3). The system also includes a mean to forward and/or transfer gift card information to a processor (see Figure 2) and the transferring process (i.e. UPC code printed on the gift card) from the

Art Unit: 3628

first retailer to the second retailer includes at least a portion of the purchase amount (see Figures 10 and 11).

As per claims 2-4, Small discloses a gift card having a preset credit value of which the revenue share of the purchase amount for the first retailer and the transferring proceed is equal to the purchase amount less than the revenue share (see Figures 10 and 11).

As per claims 7-9, the claims contain features addressed in claims 1-4, and therefore, are rejected under the same rationale.

As per claims 12 and 13, Small disclose a method for selling a gift card at a location of a first retailer for use at the second retailer comprising a mean to offer and display gift cards in the store location of the first retailer (see Figure 1), and a mean to activate the gift card upon receipt of a purchase amount from a customer (see Figure 3). The system also includes a mean to forward and/or transfer gift card information to a processor (accessible by the second and/or different retailer using UPC code) (see Figure 2) and the transferring process (i.e. UPC code printed on the gift card) from the first retailer to the second retailer includes at least a portion of the purchase amount (see Figures 10 and 11).

As per claims 14-15, the claims contain features addressed in claims 12-13 above, and therefore, are rejected under the same rationale.

As per claim 16, Small discloses a gift card of which is provided by the first retailer (see Figure 1).

As per claims 17 and 18, Small has all the features of the invention (as mentioned in the above paragraphs) and Small further includes a mean to provide the store location of the first retailer with a gift card associated with at least one store location of a second and different retailer (see Figure 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small.

As per claims 5 and 6, Small has all the features of the invention but fails to teach a processor of which is provided by the second retailer and/or by a third party associated with the retailer. However, Small discloses a UPC code printed on the gift card for identifying the price to be paid for the card and gift inventory control, etc (col. 6, lines 6-17), and a network of terminals (e.g. having multiple CPUs) interconnected to the central CPU in processing the data relating to the gift card (col. 5, lines 3-16) (col. 6, lines 54-55). It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of Small to have a processor of which is provided by the second retailer and/or by a third party associated with the retailer in processing the information relating to the gift card.

As per claims 10 and 11, the claims contain features addressed in claims 5 and 6, and therefore, are rejected under the same rationale.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.
April 21, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600